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In re Application of  
WALTHER Thomas et al. :  
Application No.: 10/589,214 :  
PCT No.: PCT/EP05/00850 :  
Int. Filing Date: 28 January 2005 : DECISION  
Priority Date: 13 February 2004 :  
Attorney's Docket No.: 4100-411PUS :  
For: Method for Producing RFID Labels :  
:

This decision is in response to applicants' "Response to Notification of Missing Requirements" filed 28 November 2006.

BACKGROUND

On 28 January 2005, applicant filed international application PCT/EP05/00850, claiming a priority date of 13 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 August 2006.

On 14 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee, search fee and examination fee and an unexecuted declaration.

On 28 November 2006, applicant submitted the instant "Response to Notification of Missing Requirements," a declaration executed by co-inventors Thomas WALTHER, Reinhard BAUMANN, Robert WEISS and Peer DILLING and, the surcharge for late filing of the declaration.

DISCUSSION

The declaration filed on 28 November 2006 does not comply with 37 CFR 1.497 (a)-(b) because the inventive entity set forth in international application PCT/EP05/00850 is different than the inventive entity in the instant application. Specifically, the inventive entity set forth in international application PCT/EP05/00850 is Thomas WALTHER. However, the inventive entity set forth in the instant application includes Thomas WALTHER, Reinhard BAUMANN, Robert WEISS and Peer DILLING.

In order for the declaration filed 28 November 2006 to comply with 37 CFR 1.497 (a)-(b), applicants are required to file a request under 37 CFR 1.497(d) to correct inventorship by adding Reinhard BAUMANN, Robert WEISS and Peer DILLING as co-inventors.

### CONCLUSION

Applicants' declaration filed 28 November 2006 is **REJECTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing. A Notice of Missing Parts (PCT/DO/EO/905) will be mailed indicating that a proper oath or declaration must be filed.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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